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08/931,125	09/16/1997	HAE-SEUNG LEE	P54508	3842

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EXAMINER

PORTKA, GARY J

ART UNIT	PAPER NUMBER
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2187

DATE MAILED: 03/05/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

*Amo*

# Office Action Summary

Application No.  
08/931,125

Applicant(s)  
Lee

Examiner  
Gary J. Portka

Art Unit  
2187



-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on Jan 2, 2002
- 2a) ☒ This action is FINAL. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above, claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-8 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claims \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. § 119

- 13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
- a) ☐ All b) ☐ Some\* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\*See the attached detailed Office action for a list of the certified copies not received.

- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

## Attachment(s)

- 15) ☐ Notice of References Cited (PTO-892) 18) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 16) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 19) ☐ Notice of Informal Patent Application (PTO-152)
- 17) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s). \_\_\_\_\_ 20) ☐ Other: \_\_\_\_\_

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### DETAILED ACTION

1. Claims 1 and 6-8 have been amended by Applicant. Claims 1-8 remain pending.

#### *Claim Rejections - 35 USC § 102*

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

3. Claims 1-2 and 6-8 are rejected under 35 U.S.C. 102(e) as being anticipated by Jones, U.S. Patent 5,572,660.

4. As to claim 1, Jones discloses a RAID 5 memory system comprising:

- a. Plurality of defect-adaptive devices (214-1 through 214-8) as claimed having a first region storing information needed for data recovery (parity), and a second region storing data (see Figure 2D, and column 10 lines 7-18);

- b. Plurality of caches (254-1 through 254-8) respectively coupled to the devices, each for storing parity information blocks needed for data recovery for the corresponding device (see Figure 2D, and column 10 lines 15-26);

- c. Controller (210) coupled to each device and cache, with means for selectively controlling writing, reading, and obtaining of parity information to/from each memory device, and storing parity information obtained from a device in a corresponding cache (see Figure 3E, column

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2 line 62 through column 4 line 6, in particular column 3 lines 30-39; column 10 lines 15-26, and column 11 line 55 to column 12 line 13).

5. As to claim 2, Jones discloses that the controller comprises means for determining if the information needed for data recovery is in the cache (see Figure 3D item 344, and Figure 3E item 370).

6. As to claim 6, Jones discloses a RAID 5 system comprising:

a. Plurality of disk drives (214-1 through 214-8) with region storing data blocks and region storing parity information (see Figure 2D, and column 10 lines 7-18);

b. Plurality of caches (254-1 through 254-8) each connected to a corresponding drive and storing parity information (see Figure 2D, and column 10 lines 15-26);

c. Controller (210) coupled to each disk drive and cache selectively controlling write of data and parity comprising means to:

i. Select a disk drive upon receiving write instruction (see Figure 3A items 308 and 330);

ii. Read old data from the disk drive (see Figure 3C item 360);

iii. Determine if old parity to be read from disk is accessed in the corresponding cache, and if not then to read the old parity from the disk drive, and load the cache with old parity (see Figure 3E items 370, 376-382, and column 11 line 55 to column 12 line 13);

iv. Obtain new parity by performing XOR on old data, old parity and new data (see Figure 3F item 390, and column 9 line 16 equation);

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- v. Load the corresponding cache with new parity (see Figure 3F item 392);
- vi. Write the new data and new parity on the disk drive (see Figure 3F item 394,

and column 3 lines 25-40), and thus completing the writing process.

7. As to claim 7, Jones discloses the method for writing and reading a RAID 5 as recited, the step for reducing overhead during read of data for recovery to improve data I/O performance met by the functionally equivalent elements performing the steps described above with regard to claims 1-2 and 6. Applicant's own specification at page 6 lines 16-20 describes that two time reading and writing of disk drives is required when updating data with parity, which results in a large overhead. Jones therefore teaches a step for reducing overhead during a read for data recovery by avoiding the need to access the disk two times when the required data is in a cache.

8. As to claim 8, Jones discloses the coupled controller, caches, and disks, and that the caches store data recovery information, as described above with regard to claims 1-2 and 6. The determining of information needed for recovery in a disk by using information for data recovery stored in the corresponding cache is described at Figure 3F item 390 and column 9 line 16 equation (in Figure 3D, a cache hit in the write back cache at 344 means that old parity is in the cache, which is read to perform the calculation at 390 of Figure 3F).

### ***Claim Rejections - 35 USC § 103***

9. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the

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subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

10. Claims 3-5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jones, U.S. Patent 5,572,660, in view of Holland et al., U.S. Patent 5,455,934.

11. As to claim 3, Jones does not disclose that the information needed for data recovery is sequentially arranged from the most outer cylinder. However, it is well known that the sequential nature of disk access invites a transfer mechanism sequentially from some position, thus improving performance by reducing seek time. As further taught by Holland, arrangement of information on a disk from the outermost cylinders results in higher sustained data transfer rates (see column 9 lines 25-30). It is clear from Jones at column 2 lines 34-58 that the accessing of the parity data in RAID systems limits the performance of these systems, and therefore the advantage of faster access due to reduced seek time, and higher sustained data rates would have motivated an artisan to arrange this information from the outermost cylinder. Thus it would have been obvious to one of ordinary skill in the art at the time of the invention to sequentially arrange the recovery information from the most outer cylinder in Jones, because this method reduces seek time, results in higher sustained data rates, and therefore improves performance.

12. As to claim 4, Jones discloses that parity information needed for data recovery is modified to a value obtained through a calculation of new data recovery information (see column 9 lines 8-21).

13. As to claim 5, Jones discloses XORing of previous data, corresponding parity information, and new data (see column 9 line 16 equation).

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*Response to Arguments*

14. Applicant's arguments filed January 2, 2002 have been fully considered but they are not persuasive.

Applicants have argued that Jones does not teach a unique one cache corresponds to a unique one disk, in a one-to-one caching for a RAID 5 system. Examiner disagrees; the Abstract states that each drive has a "dedicated" cache, and the embodiment of Figure 2D is described as "similar to that of FIG. 2 with the exception that the parity information is stored and distributed among the plurality of disk drives...". Figure 2D clearly shows one cache for each disk; it would be counter to the teaching of the reference to assume that any cache is connected other than as shown in their one-to-one connection. It is further noted that this argument is not supported by the language of claim 7.

Applicants have argued that Jones intends to improve the performance of RAID 4, not RAID 5. Examiner disagrees; the last paragraph of the background in column 2, as well as the inclusion of an embodiment implemented in RAID 5, contradict this.

Applicants have reiterated arguments that there is no specific teaching nor motivation in the prior art for combining Jones and Holland, and that proper analysis of level of ordinary skill in the art was necessary and was not made. This was responded to previously; no specific error in those previous arguments has been pointed out.

Applicants argument that a new use of an old structure or method is patentable is correct, however Examiner denies any new use of structure or method is claimed, as more fully described above.

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*Conclusion*

15. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for response to this final action is set to expire THREE MONTHS from the date of this action. In the event a first response is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event will the statutory period for response expire later than SIX MONTHS from the date of this final action.

16. Any inquiry concerning this communication from the examiner should be directed to Gary J. Portka at telephone number (703) 305-4033. The examiner can normally be reached on weekdays from 9:00 A.M. to 5:30 P.M.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Do Yoo, can be reached at (703) 308-4908.

Any response to this final action should be mailed to (or faxed as provided below):

Box AF  
Commissioner of Patents and Trademarks  
Washington, D.C. 20231

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA., Fourth Floor (Receptionist).



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The fax phone number for the organization where this application or proceeding is assigned are as follows:

(703) 746-7238	(After Final communications)
(703) 746-7239	(Official communications)
(703) 746-7240	(Status inquiries, draft communications)

Any inquiry of a general nature relating to this application or proceeding should be directed to the Group receptionist, whose telephone number is (703) 305-3900.

GJP

Gary J. Portka  
Patent Examiner  
February 28, 2002

*Do Hyun Yoo*  
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